

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MACK ARTHUR KING

PETITIONER

v.

No. 1:10CV7-SA

CHRISTOPHER EPPS, ET AL.

RESPONDENTS

ORDER

On September 14, 2010, the same day that this Court entered an order denying Petitioner's motion for expert access, Petitioner filed the instant motion requesting leave to proceed *ex parte*, *in camera*, and on a sealed record with regard to applications for investigative and expert funds. [See docket entry no. 13].

A federal habeas petitioner may seek funds for investigative or expert services under 18 U.S.C. § 3599, and a district court may authorize that assistance if Petitioner demonstrates a substantial need for the funds in order to develop a viable habeas claim. *See* 18 U.S.C. § 3599(f); *Riley v. Dretke*, 262 F.3d 302, 307 (5th Cir. 2004). Additionally, he may move *ex parte* and upon a sealed record on application for assistance only if he makes a proper showing of the need for confidentiality. 18 U.S.C. § 3599(f).

The instant motion states that Petitioner requires expert assistance to develop his claims under *Ake v. Oklahoma*, 470 U.S. 68 (1985) and *Atkins v. Virginia*, 536 U.S. 304 (2002) and investigative assistance to develop his claims under *Strickland v. Washington*, 466 U.S. 668 (1984). The instant request fails to demonstrate a substantial need for investigative and/or expert assistance, much less why such assistance should be granted *ex parte* and under seal. Therefore, the instant motion is **DENIED**.

SO ORDERED, this the 29th day of September, 2010.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE